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Letter dated 19 March 2012 from the Secretary-General addressed to the President of the Security Council

I have the honour to submit, pursuant to paragraph 9 of Security Council resolution 2003 (2011), a framework for African Union and United Nations facilitation of the Darfur peace process. The framework has been developed in close consultation with the African Union, and through consultations with the Sudanese stakeholders and the Implementation Follow-up Commission. With a view to facilitating a comprehensive and inclusive settlement to the Darfur conflict, it provides a plan for African Union and United Nations support to the Darfur peace process.

(*Signed*) **BAN** Ki-moon

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Framework for African Union and United Nations facilitation of the Darfur peace process

Introduction

1. The most recent phase of the Darfur negotiations culminated in the signing in Doha on 14 July 2011 of the Agreement between the Government of the Sudan and the Liberation and Justice Movement (LJM) for the Adoption of the Doha Document for Peace in Darfur. While the signing of the agreement represented an important step forward in the peace process, and the Doha Document provides a basis for reaching a comprehensive political settlement to the Darfur conflict, an inclusive and therefore lasting solution has not yet been reached.

2. The Security Council welcomed in paragraph 9 of resolution 2003 (2011) the intention of the Secretary-General to develop a road map for the Darfur peace process, working in close consultation with the African Union, and consulting, as appropriate, all Sudanese stakeholders and the Implementation Follow-up Commission. This note provides a "framework" rather than a "road map" for African Union and United Nations support to the Darfur peace process in that it reflects mediation and facilitation steps rather than a strategic plan. Its title distinguishes it from the road map of the African Union High-level Panel on Darfur outlined in its 2009 report and reports of the African Union High-level Implementation Panel that replaced it, which reflects on issues of peace, justice, reconciliation and Darfur's position in the Sudan necessary for sustainable peace.

3. In its report of 30 November 2011 to the 301st meeting of the African Union Peace and Security Council, the African Union High-level Implementation Panel summarized its approach to peace in Darfur, stating that the Darfur conflict could be defined as "the Sudanese conflict in Darfur", and noting that it originated in "long-standing problems of governance in the Sudan, and especially the challenge of governing a diverse country in an equitable manner". The Panel welcomed the signing of the Doha Document as an instrument to end hostilities and the basis for the foundations for peace, noting that its proposal to initiate a Darfur political process "primarily as a domestic exercise to involve all Darfurians in negotiating the future of Darfur within the Sudan" remained valid in this context. The Panel stressed that the immediate task was to popularize the Doha Document to ensure its acceptance by the population of Darfur and to persuade the remaining armed groups to sign the Document. The Panel stated that in "the new context that has emerged following the secession of South Sudan, the Darfur peace process will, of necessity, be linked to the national constitutional reform process that involves all citizens of the Republic of the Sudan in forging a new national political settlement. Indeed, a durable resolution of the Sudanese conflict in Darfur requires that a holistic agreement among Darfurians be an integral part of a national process."

4. I fully support the views of the African Union High-level Implementation Panel as outlined above. In this context, the present note recognizes that the African Union, in particular the Panel, is mandated in accordance with the communiqués of the African Union Peace and Security Council, including its communiqué of 30 November 2011, to support the Government of the Sudan and relevant parties in regard to including the outcome of the Darfur peace process in the national constitutional review process.

5. The framework is built on the premise that the people of Darfur and the parties to the conflict must lead the peace process and its implementation, with the United Nations, the African Union and international partners in a facilitation role. The international community can do a lot to support the process, but in the final analysis sustainable peace can be created only by the people of Darfur and the parties to the conflict.

6. The framework is built on three pillars to be pursued simultaneously: (a) support to the signatory parties with the implementation of the Doha Document; (b) engagement with the Government of the Sudan and non-signatory armed movements to promote negotiations; and (c) support for Darfur-based internal dialogue and consultations.

7. The framework was developed through a series of consultations within and between the African Union and United Nations, and with Sudanese stakeholders and the Implementation Follow-up Commission. The consultations were held, inter alia, at a joint African Union-United Nations workshop on the future steps in the Darfur peace process, held in Addis Ababa on 17 and 18 July 2011, a retreat for Special Envoys for the Sudan in El Geneina on 19 and 20 October 2011 and numerous bilateral meetings. Consultations with partners will continue as the framework is implemented in order to further review, refine and coordinate action in support of the peace process. In this regard, flexibility will be required during implementation to ensure that the framework is adjusted as required in response to new developments and changes in the context.

Guiding principles

8. The framework for the Darfur peace process is guided by the following principles:

(a) The peace process should include all stakeholders, including the Government of the Sudan (such as, inter alia, elected members of Darfur constituencies in the national and local governments); LJM and other armed movements; political parties; and Darfuri civil society, including Arab communities.

(b) The Joint Chief Mediator should continue to engage the parties to promote the resumption of peace talks. However, the international community should avoid establishing a new mediation process that permits endless rounds of negotiations and delaying tactics.

(c) The framework should reflect broad consensus among international actors on the way forward in the Darfur peace process. It should provide the plan for a coordinated and coherent approach within the international community to supporting the peace process and ensure that the initiatives of international actors are mutually reinforcing.

The Doha Document for Peace in Darfur

9. In Darfur, the adoption of the Doha Document for Peace in Darfur appears to have generated hope in a large cross-section of the population. Informal consultations conducted by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) with a selection of interlocutors in camps of internally displaced persons, civil society organizations and political parties show a generally positive response, but also mixed sentiments, some scepticism and even rejection. On the

basis of informal consultations on the ground, UNAMID has concluded that many Darfuris are in favour of the agreement and have commended it as a means through which to address the root causes of the conflict. They have welcomed the pledge of the Government of Qatar to support development efforts in Darfur and stressed the need for sustained support by the United Nations, the African Union and other members of the international community. Worried about the absence hitherto of key armed movements from the negotiations, they have urged continued engagement with the Government and non-signatory movements to increase the inclusiveness of the peace process. They have underlined the need for the Doha Document signatory parties to demonstrate strong political will and the commitment required to ensure that the document is implemented. At the same time, reactions have been generally negative among supporters of the Sudan Liberation Army (SLA)-Abdul Wahid and SLA-Minni Minawi in the Kalma and Zam Zam internally displaced person camps, respectively, and among the Darfuri representatives of some opposition political parties, who have cited as concerns the lack of inclusiveness of the Doha Document and the lack of political will on the part of the signatory parties to implement it faithfully.

10. Meanwhile, the Government of the Sudan and LJM have begun to implement the Doha Document. This has included, to date, the establishment of the Darfur Regional Authority and, with the assistance of UNAMID, of the Ceasefire Commission; the holding of the inaugural meeting of the Joint Commission; the appointment of a Darfuri to the post of Second Vice-President of the Republic of the Sudan, the leader of LJM as Chairperson of the Darfur Regional Authority, the Secretary-General of LJM as Federal Minister of Health and a member of LJM as Wali of Western Darfur; appointment of members of the Executive Authority of the Darfur Regional Authority, including seven LJM representatives in accordance with the Protocol on the Political Participation of LJM; the appointment of a Public Prosecutor to the Special Court for Darfur; and the inauguration of the Darfur Regional Authority.

Engagement with the Government of the Sudan and non-signatory movements

11. Representatives of the Justice and Equality Movement (JEM) participated intermittently in the Doha negotiations, but did not sign the Agreement for the Adoption of the Doha Document for Peace in Darfur, stating that, in the absence of comprehensive talks with the Government on all aspects of the peace process and of a unified front among all armed movements, the Doha Document was a partial and therefore inadequate solution to the conflict. Since that time, Mohamed Bahr Ali Hamdeen, former Deputy Chairman of JEM and Chief Negotiator, has established a break-away faction from JEM and has stated a desire to negotiate a settlement with the Government on the basis of the Doha Document.

12. In the meantime, on 11 November 2011, JEM joined the Sudanese Revolutionary Front (SRF), composed of the Sudan People's Liberation Movement-North, SLA-Abdul Wahid and SLA-Minni Minawi, which, inter alia, has pledged to overthrow the Government of the National Congress Party. JEM has nevertheless stated that it would be willing to enter into negotiations with the Government provided all aspects of the Doha Document were open for discussion. The Movement has produced a "counter-draft" of the document that contains significant amendments to all seven chapters.

13. Late in December 2011, the leader of JEM, Khalil Ibrahim, was killed in an engagement with Sudanese Armed Forces, and his brother, Gibril Ibrahim, was appointed as his successor. The implications for the Darfur peace process of Khalil Ibrahim's death will become clear only over time. Increasing the inclusiveness of the peace process with regard to the belligerent parties, however, remains an important element of a lasting settlement to the conflict.

14. Despite the best efforts of the joint mediation and the international community, SLA-Abdul Wahid did not participate in the negotiation process leading to the Doha Document. As SLA-Minni Minawi had signed the Darfur Peace Agreement, that movement was considered to be a part of the Government at the beginning of the negotiation process. SLA-Minni Minawi split from the Government in the latter part of 2010. Since the signing of the Doha Document, the Chairman of SLA-Minni Minawi has stated that his movement would enter into negotiations with the Government only if they were held on the basis of national political and economic reforms. It has been assessed that SLA-Abdul Wahid holds a similar position.

15. For its part, the Government has indicated that it will negotiate with the movements only when they have renounced their call to overthrow the National Congress Party-led Government and only on the sections of the Doha Document relating to political appointments and final security arrangements.

16. Without the inclusion of the non-signatory movements in the peace process, the prospects for continuing hostilities in Darfur remain real. The framework therefore recognizes the importance of involving the non-signatory movements in the peace process with a view to expeditiously concluding a fully inclusive, negotiated settlement to the conflict. In terms of proceeding on the basis of the Doha Document, the Government of the Sudan and LJM, as signatory parties, will need to show flexibility and be open to the possibility of renegotiating aspects of the document if so desired by the negotiating parties.

Internal dialogue and consultations

17. Lasting peace in Darfur can be achieved only through a peace process that includes all major Darfuri stakeholders, including non-belligerents. The views of the civilian population, including women, need to be reflected in any political settlement to ensure local ownership of and broad-based support for the settlement. The framework therefore includes the holding of Darfur-based internal dialogue and consultations to complement and enhance the Doha Document. UNAMID and the African Union High-level Implementation Panel will work together in this regard to develop a plan for Darfur-based internal dialogue and consultations that builds on the outcome of the Doha negotiations. While stakeholders themselves will ultimately determine the nature of the consultations, it is envisaged that they will involve locality- and state-level conferences throughout Darfur that culminate in a major, Darfur-wide conference.

18. To be credible, the process will need to be inclusive of a broad range of Darfuri stakeholders from all key constituencies (including diverse and equitable representation based on, inter alia, geography and tribe), safe and free from undue manipulation by parties or stakeholders. This will require certain conditions to be in place, in particular as they concern the safety and security of participants and their political and civil rights. In the context of supporting the implementation of the Doha Document and assisting with its dissemination throughout Darfur, UNAMID

commenced preliminary consultations in October with stakeholders on the conditions necessary for Darfur-based internal dialogue and consultations. The findings of these preliminary consultations will inform the development by UNAMID and the African Union High-level Implementation Panel of a plan to support credible internal dialogue, taking into account the relevant resolutions and communiqués of the United Nations Security Council and African Union Peace and Security Council.

19. The rationale of Darfur-based internal dialogue is predicated on the need to fully include the people of Darfur in the peace process. As the envisaged approach is stakeholder-driven, the outcome of the process should not be prejudged; instead it should be determined in the course of the consultations by the participants themselves. For the international community, as well as the Doha Document signatory parties, this may create the challenge of how to relate the outcome of the internal dialogue to the implementation of the Doha Document, as well as to the outcomes of future negotiations between the Government and non-signatory parties. This issue relates to the comprehensiveness of the document and should be solved through dialogue between all parties involved, facilitated by UNAMID, the Joint Chief Mediator and the African Union High-level Implementation Panel, in consultation with international partners.

Peace dividends and early recovery

20. Long-term peace in Darfur is inextricably linked to returns, durable solutions for the displaced, early recovery, reconstruction and development. While responsibility for reconstruction and development rests primarily with the Government of the Sudan, and the onus of implementing the early recovery and development aspects of the Doha Document rests with the signatory parties, international support for such activities can help to strengthen the peace process, provided it is well coordinated and contributes to sustainable, durable solutions. Assistance from the African Union, the United Nations and the broader international community in early recovery and reconstruction — and eventually for development — including through the implementation of relevant provisions of the Doha Document, will form an important part of most aspects of the framework and will eventually require, as peace becomes sustainable, a special focus of the international community. Further consultations on these issues between UNAMID, the United Nations country team, the Darfur Regional Authority and other partners will be required.

Plan of action

21. In the light of the above, a three-pronged strategy for reaching a comprehensive and inclusive political settlement to the conflict is proposed that involves (a) supporting the implementation of the Doha Document; (b) engagement with the Government of the Sudan and non-signatory armed movements to promote negotiations; and (c) support for Darfur-based internal dialogue and consultations. These are mutually supportive processes that should be pursued in parallel.

Objective 1
Effective and timely implementation of the Doha Document by the signatory parties

22. **Actions**. The following actions are proposed:

(a) The signatory parties, assisted by UNAMID and international partners, ensure the effective functioning of the Darfur Regional Authority and associated institutions;

(b) The signatory parties, with the support of UNAMID, implement the ceasefire and final security arrangements of the Doha Document in accordance with the timelines and plans provided for in the document;

(c) In consultation with the people of Darfur, the Darfur Regional Authority develops an outline of priorities for the implementation of the provisions of the Doha Document and commences their implementation;

(d) The signatory parties strengthen their capacity and ability to implement the Doha Document, including through the provision of advice, as appropriate, from UNAMID and international partners;

(e) UNAMID, the African Union High-level Implementation Panel and other partners exercise their good offices in a coordinated way to encourage the signatory parties to implement the Doha Document faithfully and demonstrate flexibility when faced with disagreements;

(f) The signatory parties, with the support of UNAMID and international partners, determine resource mobilization needs in connection with the implementation of the Doha Document.

23. **Timelines**. These actions would be pursued through the entire period of implementation of the Doha Document, with specific action plans to be developed to address key priority areas of the document.

24. **Potential risks** to the implementation of the Doha Document include weak leadership and weak commitment on the part of the signatory parties to taking concrete steps and making the compromises necessary for its implementation. Another risk would be resistance to the support offered by the African Union and United Nations in the implementation of the agreement. A third risk would be the lack of trust in the Government by local communities, based on experiences from implementation of the Darfur Peace Agreement. The Government can take steps to overcome this risk by implementing quickly those aspects of the Doha Document of greatest importance to the people of Darfur and delivering to them quick peace dividends that address communities' needs in an equitable and sustainable fashion. A fourth risk involves objections to the provisions of the agreement by other major Sudanese stakeholders. This risk can be averted by the timely commencement of internal consultations and negotiations with non-signatory parties. An additional risk is the ability of signatory parties to meet their financial obligations in carrying out the Doha Document and the possible reluctance of donors to fund its implementation. These risks can be averted by the parties first investing their resources in implementation of the document to the extent possible and working with international partners in identifying priority resource mobilization requirements. The possible reluctance of donors can be mitigated by the parties if they show concrete progress in implementation of the agreement and willingness to

invest their own funds. A related risk is the limited capacity of the Darfur Regional Authority to absorb, disperse and manage funds, which can also be overcome by close donor collaboration with the Authority to build its capacity.

Objective 2
Inclusivity, local ownership of and consensus among the people of Darfur on the peace process

25. **Actions**. The following actions are proposed:

(a) The signatory parties and civil society, assisted by UNAMID, disseminate the Doha Document to the grass roots;

(b) Through consultation with UNAMID and the African Union High-level Implementation Panel, Darfuri stakeholders propose the conditions needed to ensure safe and credible internal dialogue, and make their views known on issues of representation, venues, dates and the elements of a comprehensive solution to the conflict;

(c) UNAMID, on the basis of these consultations, further develops effective mechanisms to monitor the enabling conditions;

(d) The United Nations Secretariat and African Union Commission respectively keep the Security Council and the Peace and Security Council apprised of issues relating to the enabling environment for the consultation process;

(e) At the appropriate time, UNAMID puts in place logistical preparations for the holding of the internal dialogue;

(f) UNAMID and the African Union High-level Implementation Panel verify the voluntary, inclusive and representative nature of selection for the internal dialogue process and agree on a monitoring and reporting mechanism;

(g) UNAMID and the African Union High-level Implementation Panel launch the consultation process, monitor the environment within which consultations are held and report on security incidents, threats, violations of participants' freedoms and instances of undue interference.

26. **Timelines**. Dissemination of the Doha Document by the signatory parties and civil society, as well as preliminary consultations with stakeholders on the planning and conduct of the internal dialogue, commenced in October 2011. During the first quarter of 2012, there will be further engagement with all stakeholders. On this basis, during the second quarter of 2012, UNAMID will further develop its mechanisms to ensure the effective monitoring of the conditions for the internal dialogue. Selection by stakeholder groups of participants and the commencement of locality- and state-level consultations should occur at the same time, provided the requisite conditions are in place. Thereafter, internal dialogue and consultation meetings and conferences would be held throughout Darfur, and inputs from the consultations would be submitted to a Darfur-wide conference, and subsequently to the Doha Document signatories, for consideration and adoption.

27. **Potential risks** to the internal dialogue include the physical security of participants, particularly in regard to disturbances which can be created by fighting between the Government and armed groups. This risk must be kept under careful review. Further risks are related to the protection of the political and civil rights of

participants. These risks can be mitigated by action taken by the Government to ensure the protection of the rights of participants, by the establishment of appropriate monitoring mechanisms by UNAMID, and action by the Government to ensure the freedom of movement of UNAMID and participants. Conversely, there is a risk that the threshold in terms of the conducive environment will not correlate with that deemed necessary by the would-be participants. Preliminary consultations on stakeholders' views on the necessary conditions for a credible internal dialogue and effective monitoring by UNAMID can help to reduce this risk. A further risk relates to attempts by parties to the conflict or other stakeholders to unduly influence the outcome of the internal dialogue; this can be mitigated through an effective monitoring process. Finally, the risk of unrealistic demands or expectations among stakeholders, and doubts among stakeholders about commitments to implement the outcome of the process, can be addressed through an effective public information campaign and concrete steps by the signatory parties to meet expectations of the population.

Objective 3

Non-signatory parties and the Government of the Sudan participate fully in a negotiated peace process

28. **Actions**. The following actions are proposed:

(a) The Joint Chief Mediator, with the support of the international community, maintains contact with all parties, urging them to enter into negotiations;

(b) The Joint Chief Mediator, with the support of the international community, encourages the parties to take measures to build confidence among them, including, inter alia, ceasing hostilities;

(c) The Joint Chief Mediator facilitates negotiations once the parties are ready to engage in them;

(d) The Joint Chief Mediator keeps international partners regularly informed about progress and coordinates action with them.

29. **Timeline**. The use of good offices to bring the parties into the peace process would continue until such time as there is a sustainable peace process for Darfur.

30. **Potential risks** to bringing the non-signatories to the negotiating table include the insistence by the parties on unrealistic preconditions for negotiations. A further risk is the intransigence of the parties vis-à-vis negotiations and during the negotiations. These risks can be mitigated by establishing unified positions among the international community in respect of the peace process and maintaining close dialogue with the parties. A further risk is the establishment of parallel peace process initiatives by regional and/or international partners that undermine this element of the framework.

International engagement in the Darfur peace process

31. The coordinated and complementary involvement of international actors in support of the Darfur peace process is key to the success of efforts to advance the peace process. Competing agendas among international actors, the creation of parallel initiatives and the provision of support from regional countries to

non-signatory movements that undermines attempts to persuade the movements to join the peace process can hinder progress. These risks can be mitigated through regular consultation and information-sharing among international actors.

32. UNAMID and the Joint Chief Mediator will keep international partners informed about the status of the peace process, including negotiations and Doha Document implementation and challenges, and coordinate international support to the parties in overcoming challenges and difficulties. The Implementation Follow-up Commission, Special Envoys' meetings and direct discussions would form the means of such consultation and coordination. In addition, the African Union and the United Nations will convene at their headquarters regular meetings of the Sudan Consultative Forum to ensure wider awareness of the progress achieved in implementing the framework and to ensure a coordinated international approach to Darfur. Further, the African Union Commission and the United Nations Secretariat will brief the African Union Peace and Security Council and the United Nations Security Council every 90 days on progress against implementing the framework. These information-sharing and coordination efforts will continue throughout the search for a just and lasting solution to the Darfur conflict.